

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA EASTERN DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 12/11/06 AT 9:00 a.m. to 10:16 a.m.

DATE COMPLETED: 12/11/06 AT Digital Recorded

UNITED STATES OF AMERICA

Plaintiff

VS.

JASON EDWARD COFIELD

Defendant

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CASE NO.: 3:06CR208-MEF-CSC

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Veren Speirs

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Atty. Crowell Pate DeBardleben

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

(X) OTHER PROCEEDINGS: SUPPLEMENTAL SUPPRESSION HRG

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED

Description	Supplementak Suppression hrg		
Date	12/11/2006	Location	Courtroom 4B
Time	Speaker	Note	
9 :00:39 AM	Court	Court convenes; parties present as noted;	
9 :01:03 AM	Atty. DeBardleben	Have a couple witnesses that have not shown up a this time, but will allow the government to go first;	
9 :01:07 AM	Atty. Speirs	Addresses the court as to the previous hearing; Discussion as to who lived in the shed and the search of the shed; Calls Investigator Keith Jordan; witness is sworn and seated; Discussions as to knowledge of meth labs;	
9 :06:00 AM	Atty. DeBardleben	Objection;	
9 :06:08 AM	Court	Response;	
9 :06:11 AM	Atty. Speirs	Response to objection, do have photograph pictures of LP tanks, smells that are consistent with the manufacture of meth;	
9 :06:57 AM	Court	Will let you proceed;	
9 :06:57 AM	Atty. Speirs	Cont'd testimony;	
9 :09:49 AM	Court	Who told that it was multiple residence?	
9 :09:49 AM	Witness	Sgt. Surret;	
9 :09:52 AM	Court	Did you take a look at the warrant?	
9 :09:54 AM	Witness	No, not prior to that day;	
9 :09:57 AM	Court	What did you understand the warrant was for?	
9 :09:57 AM	Witness	Response - it covered both the residence of Kenny Cofield, Jason Cofield and potentially Brian cofield all located on the Cofield property and their respective sheds or storage building;	
9 :10:22 AM	Atty. Speirs	Cont'd testimony; Discussion of the execution of the warrant; Discussion and review of Govt. Exh. #1; Move to admit Govt. Exh. #1;	
9 :16:16 AM	Court	No objection; It's admitted;	
9 :16:16 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt. Exhx. #2, #3, #4 and #5; Move to admit Govt's Exhs. 2, 3, 4 and 5	
9 :16:44 AM	Atty. DeBardleben	No objection;	
9 :16:44 AM	Court	They are admitted;	
9 :16:44 AM	Atty. Speirs	Cont'd testimony; Discussions as to entry into the shed; Discussion and review of Govt. Exhs. #8, #9, #10 and #11; Move to admit Govt. Exhs. 8, 9, 10 and 11;	
9 :26:11 AM	Atty. DeBardelen	No objection;	
9 :26:11 AM	Court	They are admitted;	
9 :26:11 AM	Atty. Speirs	Cont'd testimony; Discussion of exhibits admitted; Discussion and review of Govt. Exhs. #12, #13, #14 and #15; Move to admit Govt's Exh. #12, 13, 14 and 15	
9 :29:46 AM	Court	They are admitted;	
9 :29:52 AM	Atty. Speirs	Cont' d testimony;	
9 :35:33 AM	Atty. DeBardleben	Cross - examination; Discussions as to the stolen guns found inside the shed; Discussion and knowledge of Mr. Shannon Hand;	

9 :44:28 AM	Court	Witness is excused;
9 :44:32 AM	Atty. Speirs	Calls Eugene Allen Maddox, II, State Trooper; witness is sworn and seated;
9 :45:59 AM	Atty. Debardeleben	Objection;
9 :46:07 AM	Court	Response;
9 :46:20 AM	Atty. Speirs	Response to objection;
9 :46:49 AM	Court	Response
9 :46:53 AM	Atty Speirs	Response - trying to give the court the full picture as to what happened that day relevant to the shed and how they made entry into that shed is relevant;
9 :47:04 AM	Court	How?
9 :47:04 AM	Atty. Speirs	Response;
9 :47:26 AM	Court	Response; Discussion as to what the original warrant authorized; They treated it like the original warrant covered everything;
9 :48:05 AM	Atty. Speirs	Which a judge signed;
9 :48:06 AM	Court	Reponse - the judge signed a warrant that said the residence of Kenny Cofield and all out buildings; Discussion as to the Leon questions; they get a warrant for one residence and knows that there are multiple residence on the property; The objection is sustained;
9 :48:54 AM	Atty. Speirs	Have no further questions;
9 :49:00 AM	Court	Witness is excused;
9 :49:11 AM	Atty. DeBardleben	Calls Sarah Cofield; witness is sworn and seated; wife of Kevin Cofield; lives on the front of Cofield property; Discussions as to knowledge of Mr. Shannon Hand;
9 :54:08 AM	Atty. Speirs	Cross examination; Discussion as to Mr. Shannon Hand staying in the shed;
9 :55:59 AM	Court	Witness is excused;
9 :56:39 AM	Atty. DeBardleben	Deft rest;
9 :56:56 AM	Court	Addresses problem;
9 :57:14 AM	Atty. Speirs	Response as to the warrant;
9 :57:39 AM	Court	Officers didn't talk to one another;
9 :57:53 AM	Atty. Speirs	Response;
9 :58:06 AM	Court	Discussion regarding the officer that went to Jason Cofield's house new that Kenny Cofield's house was a separate house; There's nothing in the warrant about Jason Cofield's residence;
9 :58:41 AM	Atty. Speirs	Response; They named individuals they thought were living on that property;
9 :58:55 AM	Court	They said Kenny Cofield, alias, alias, alias; Discussions as to what the word alias meant to the officers who prepared the warrant; Discussions as to the warrant;
10:00:10 AM	Atty. Speirs	Response; Officer are here who can testify as to why they use that term;
10:00:51 AM	Court	Let's put that on;
10:00:52 AM	Atty. Speirs	Calls Sgt. Donnie Ray Surrent; witness is sworn and seated; Discussion as to training received in preparing search warrants; Discussion as to the use of the word alias and its meaning;

10:01:20 AM		
10:03:57 AM	Court	Question as to having multiple people and how would a spelling be protected or be satisfied by the use of the word alias;
10:04:11 AM	Witness	The word alias was explained to cover typing errors or we could use it if
10:04:33 AM	Atty. Speirs	Cont'd testimony; Discussion as to briefing prior to execution of the warrant;
10:06:46 AM	Court	Who gave the briefing?
10:06:46 AM	Witness	I did as well as the SWAT commander;
10:06:53 AM	Court	Did someone talk about multiple residence?
10:06:53 AM	Witness	We talked about multiple structures on the property;
10:07:02 AM	Atty. Speirs	Discussion as to meaning of term residence;
10:07:18 AM	court	Question as to whether he knew more than one family lived out there?
10:07:25 AM	Witness	Right, I new there was multiple
10:07:27 AM	Court	Where did you think they all lived, in the same house?
10:07:28 AM	Witness	Wasn't sure;
10:07:35 AM	Atty. Speirs	That's all the questions I have;
10:07:37 AM	Atty. DeBardeleben	Cross -examination;
10:07:53 AM	Court	Witness is excused;
10:07:55 AM	Atty. Speirs	Nother further;
10:07:58 AM	Court	Questions as to issuance of alias warrant;
10:08:52 AM	Atty. Speirs	Response as to the practices of Lee County;
10:09:33 AM	Court	Addresses concerns ;
10:10:20 AM	Atty. Speirs	Response;
10:11:40 AM	Court	Reads what the warrant said;
10:12:10 AM	Atty. Speirs	Response;
10:13:02 AM	Court	Question as to whether the issue is Leon;
10:13:02 AM	Atty. Speirs	Think we have reached that point;
10:13:31 AM	Court	Response;
10:13:44 AM	Atty. Speirs	Discussion as to whether it changes probable cause;
10:15:05 AM	Atty. DeBardeleben	Response as to Leon;
10:15:40 AM	Atty. Speirs	Response;
10:16:35 AM	Court	Will take matters under advisement; Court is recessed.

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Defendant

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CASE NO. 3:06CR-208-MEF

WITNESS LIST:

GOVERNMENT

1. Invest. Keith Jordan
2. Mr. Eugene Allen Maddox

DEFENDANT

3. Mrs. Sarah Cofield
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UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

V.

JASON EDWARD COFIELD

GOVERNMENT'S EXHIBIT LIST

Case Number: 3:06CR208-MEF-CSC

PRESIDING JUDGE CHARLES S. COODY						GOVERNMENT'S VERNE SPEIRS	DEFENDANT'S ATTORNEY PATE DEBARDELEBEN
TRIAL DATE (S) SUPPLEMENTAL SUPPRESSION HEARING - DECEMBER 11, 2006						COURT REPORTER JAMES DICKENS	COURTROOM DEPUTY WANDA STINSON
ADMITTED	DATE OFFERED	DATE IDENTIFIED	EXHIBIT NO.	WITNESS	OBJ	DESCRIPTION OF EXHIBITS	
YES	12/11/06	12/11/06	1	KEITH JORDAN	NO	Photograph of backside of Jason Cofield's residence;	
YES	12/11/06	12/11/06	2	KEITH JORDAN	NO	Photograph of front of shed, shows surveillance came	
YES	12/11/06	12/11/06	3	KEITH JORDAN	NO	Photograph of left upper front of the shed;	
YES	12/11/06	12/11/06	4	KEITH JORDAN	NO	Photograph of bay door on far right hand side of shed	
YES	12/11/06	12/11/06	5	KEITH JORDAN	NO	Photograph of valves on gas cylinder;	
YES	12/11/06	12/11/06	8	KEITH JORDAN	NO	Photograph of rifle recovered inside of shed;	
YES	12/11/06	12/11/06	9	KEITH JORDAN	NO	Photograph of Smith & Wesson 22 Caliber pistol;	
YES	12/11/06	12/11/06	10	KEITH JORDAN	NO	Photograph of Roam 22 Revolver;	
YES	12/11/06	12/11/06	11	KEITH JORDAN	NO	Photograph of ammunition ejection from the rifle;	
YES	12/11/06	12/11/06	12	KEITH JORDAN	NO	Photograph of open bay door showing stolen 4-wheel	
YES	12/11/06	12/11/06	13	KEITH JORDAN	NO	Photograph of vehicle in the woods;	
YES	12/11/06	12/11/06	14	KEITH JORDAN	NO	Photograph of bed of stolen truck,	
YES	12/11/06	12/11/06	15	KEITH JORDAN	NO	Photograph of inside of shed	
						EXHIBITS ARE PLACED IN A SEPARATE ENVELOPE	
						WITH COURT FILE	